

**House File 178 - Introduced**

HOUSE FILE 178

BY HUNTER

**A BILL FOR**

1 An Act requiring the consideration of project labor agreements  
2 for state construction projects.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 72.6 Project labor agreements.

2 1. For the purposes of this section:

3 a. "*Labor organization*" means an area or state building  
4 and construction trades or crafts council, organization, or  
5 association or a comparable body.

6 b. "*Large-scale construction project*" means the  
7 construction, rehabilitation, alteration, conversion,  
8 extension, repair or improvement of a vertical public works  
9 project, including a building and other real property-related  
10 project, where the total project cost is twenty-five million  
11 dollars or more.

12 c. "*Project labor agreement*" means a comprehensive pre-hire  
13 collective bargaining agreement that is negotiated between  
14 a project's owner and an appropriate labor organization and  
15 which sets out the basic terms and working conditions for that  
16 particular project.

17 2. A state agency shall consider using a project labor  
18 agreement in connection with a large-scale construction project  
19 which meets the criteria established in this section.

20 3. In awarding a contract in connection with a large-scale  
21 construction project, or in obligating funds pursuant to such a  
22 contract, a state agency, on a project-by-project basis, may  
23 require the use of a project labor agreement where the use will  
24 advance the state's interest. In making the decision whether  
25 to use a project labor agreement, the state agency shall  
26 consider the following factors:

27 a. The potential for a labor disruption, such as a strike,  
28 lockout, or slowdown, which could affect the timely completion  
29 of the project.

30 b. The number of trades and crafts anticipated to be used  
31 on the project.

32 c. The need and urgency of the project and the harm to the  
33 public if the completion of the project is delayed.

34 d. The size and complexity of the project and the time  
35 needed for its completion.

1 e. The benefits to the public from the use of a project  
2 labor agreement relative to a project's cost, efficiency,  
3 quality, safety, and timeliness of completion.

4 f. The ability to ensure compliance with all applicable  
5 state laws and regulations governing safety and health, equal  
6 employment opportunity, labor, and employment standards.

7 4. If a state agency determines that the use of a project  
8 labor agreement will advance the state's interest, the state  
9 agency may require that every contractor or subcontractor  
10 on the project agree, for that project, to negotiate or  
11 become a party to a project labor agreement with one or more  
12 appropriate labor organizations. The decision to use a project  
13 labor agreement shall be supported by written findings by  
14 the affected state agency which demonstrate how the use of a  
15 project labor agreement will benefit the state's interest,  
16 particularly with respect to the factors enumerated in section  
17 3.

18 5. A project labor agreement reached pursuant to this  
19 section shall do all of the following:

20 a. Bind all contractors and subcontractors on the  
21 large-scale construction project through the inclusion of  
22 appropriate specifications in all relevant solicitation  
23 provisions and contract documents.

24 b. Allow all contractors and subcontractors to compete for  
25 contracts and subcontracts without regard to whether they are  
26 otherwise parties to collective bargaining agreements.

27 c. Contain guarantees against strikes, lockouts, and similar  
28 job disruptions.

29 d. Set forth effective, prompt, and mutually binding  
30 procedures for resolving labor disputes arising during the term  
31 of the project labor agreement.

32 e. Provide other mechanisms for labor-management cooperation  
33 on matters of mutual interest and concern, including but not  
34 limited to productivity, quality of work, safety, and health.

35 f. Fully conform to all applicable state statutes and

1 regulations.

2 6. This section shall not be construed to preclude the  
3 use of a project labor agreement on any construction project  
4 not otherwise subject to this section. This section shall  
5 not be construed to require a contractor or subcontractor to  
6 enter into a project labor agreement with any particular labor  
7 organization.

8 7. This section shall not be construed to create any right  
9 or benefit, substantive or procedural, enforceable at law or in  
10 equity, by any party against the state, a state agency, or any  
11 person.

12 EXPLANATION

13 This bill relates to project labor agreements for state  
14 construction projects.

15 The bill includes definitions relating to project labor  
16 agreements. The bill requires a state agency to consider  
17 using a project labor agreement for a large-scale construction  
18 project. The bill defines a "large-scale construction project"  
19 as the construction, rehabilitation, alteration, conversion,  
20 extension, repair, or improvement of a vertical public works  
21 project, including a building and other real property-related  
22 project, where the total project cost is \$25 million or more.  
23 The bill provides that a state agency may require the use of a  
24 project labor agreement where the use will advance the state's  
25 interest. The bill sets out certain factors for making such  
26 a decision. The bill delineates the effects of a project  
27 labor agreement. The bill specifies that the bill should not  
28 be construed to preclude a state agency from using a project  
29 labor agreement for any construction project not otherwise  
30 covered by the bill. The bill specifies that the bill should  
31 not be construed to require a contractor or subcontractor to  
32 enter into a project labor agreement with any particular labor  
33 organization. The bill also specifies that the bill should not  
34 be construed to create any new right or benefit.